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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

TERRELL MCCARY,

Defendant and Appellant.

B265701

(Los Angeles County  
Super. Ct. No. BA434535)

APPEAL from an order of the Superior Court of the County of Los Angeles, Craig J. Mitchell, Judge. Affirmed.

Patricia J. Ulibarri, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

## INTRODUCTION

The District Attorney of Los Angeles County filed an information charging defendant and appellant Terrell McCary with criminal threats. (Pen. Code, § 422, subd. (a).) The information alleged that during the commission and attempted commission of that offense, defendant personally used a deadly and dangerous weapon (a knife). (Pen. Code, § 12022, subd. (b)(1).) The information further alleged that the offense was a serious felony, a violent felony, or an offense requiring registration under Penal Code section 290, subdivision (c), and that incarceration for the offense was to be served in state prison pursuant to Penal Code section 1170, subdivision (h)(3). Defendant pleaded not guilty and denied the special allegations.

The trial court granted the prosecution's motion to amend the information to add as count 2 a violation of Penal Code section 245, subdivision (a)(4)—assault with intent to commit great bodily injury. Defendant pleaded no contest to count 2. The trial court sentenced defendant to three years in state prison and suspended execution of sentence. The trial court placed defendant on formal probation for three years under various terms and conditions, including the condition that he serve 270 days in the Los Angeles County jail. The trial court dismissed the remaining count and special allegations.

On appeal, defendant's appointed counsel filed an opening brief in accordance with *People v. Wende* (1979) 25 Cal.3d 436 requesting that this court conduct an independent review of the record to determine if there are any arguable issues. On October 6, 2015, we gave notice to defendant that counsel had failed to find any arguable issues and that defendant had 30 days within which to submit by brief or letter any grounds of appeal, contentions, or arguments he wished this court to consider. Defendant did not file a brief or letter.<sup>1</sup>

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<sup>1</sup> The United States Postal Service returned our notice to defendant. Defendant apparently was released from the Los Angeles County jail without providing a forwarding address.

## **DISCUSSION<sup>2</sup>**

We have reviewed the record and are satisfied that defendant's counsel has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.) Accordingly, we affirm the judgment.

## **DISPOSITION**

The judgment is affirmed.

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MOSK, Acting P. J.

We concur:

KRIEGLER, J.

BAKER, J.

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<sup>2</sup> We omit a recitation of the facts as defendant's notice of appeal states that his appeal is based on his sentence or other matters that occurred after his plea that do not affect the validity of the plea.